Docket No.: 4795-0102PUS2 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jens Martin PAULSEN et al.

A 1' ' NY 40/501.005

Application No.: 10/584,992 Confirmation No.: 3941

Filed: June 29, 2006 Art Unit: 1795

For: ELECTRODE ACTIVE MATERIAL POWDER

WITH SIZE DEPENDENT COMPOSITION AND METHOD TO PREPARE THE SAME

Examiner: M. M. Wills

INFORMATION DISCLOSURE STATEMENT (SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION</u>

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. <u>COPIES</u>

a. Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.

Application No.: 10/584,992 Docket No.: 4795-0102PUS2 b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120: U.S. Appl. No(s) and U.S. Filing Date PCT/KR2004/003530 filed December 30, 2004 III. **CONCISE EXPLANATION OF THE RELEVANCE** (check at least one box) DOCUMENTS IN THE ENGLISH LANGUAGE - Some or all of the patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy. \boxtimes b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: English Language Abstracts are provided for references KR-2002-0025480-A, JP-2000-195517-A, and JP-2000-12029-A. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search c. report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3). \boxtimes OTHER - The following additional information is provided for the Examiner's d. consideration. Korean Office Action dated October 23, 2007, and Chinese Office Action dated

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March 21, 2008. US-5,718,989-A, JP-2003-45424-A, and JP-2003-7298-A were previously cited and submitted in an Information Disclosure Statement filed on June 29, 2006.

IV.	<u>FEES</u>	(check one box)
	a.	This Information Disclosure Statement is being filed concurrently with the filing
of a	new pater	nt application; therefore, no fee is required.
	c.	This Information Disclosure Statement is being filed concurrent with the filing of -in-part, continuation, or divisional patent application; therefore, no fee is required. This Information Disclosure Statement is being filed within three months of the
		a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This	section i	s not to be used with RCE's.)
		This Information Disclosure Statement is being filed within three months of the f the national stage as set forth in § 1.491 in an international application (37 C.F.R. No fee or statement is required.
		This Information Disclosure Statement is being filed concurrently with the filing for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or quired.

f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)). ☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached. or				
See the statement below. No fee is required.				
V. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box) The undersigned hereby states that:				
a. Each item of information contained in the IDS was first cited in any				
communication from a foreign Patent Office in a counterpart foreign application not more				
than 30 days prior to the filing of this IDS; or				
b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or				
C. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.				
d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a 4 JTE/mmm				

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counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box) The required fee is listed on the attached Fee Transmittal. No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 8, 2008

Respectfully submitted,

James T. Eller, Jr.

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Attachm	ent(s):
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\boxtimes	PTO/SB/08
\boxtimes	Document(s)

Foreign Search Report(s)

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Other: Korean Office Action and Chinese Office Action